

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2517 OF 2001
IN
CRIMINAL WRIT PETITION NO. 418 OF 2001

Mr. Omprakash Ramchandra Jogani
and Anr.

.. Applicants/
Petitioners

Vs.

The Additional Registrar of
Companies through The State
of Maharashtra, Bombay.

.. Respondent

Mr. A.B. Dubey i/by Bharat Vaishnawa & Co. for
Applicants.

Mr. S.S. Pednekar, APP for Respondent.

CORAM: S.C. DHARMADHIKARI, J.

Date : December 07, 2005.

P.C.:

1. This application is filed to restore Cri.
Writ Petition No.418 of 2001 which is dismissed in
default on 8/6/2001.

2. Upon perusal of the writ petition it is clear
that the same seeks quashing of the complaint on the
ground that under Section 207 of the Companies Act
second complaint for the purposes of alleging the non

compliance of Section 207, is not maintainable. In my view, considering the fact that the averments in the Writ Petition raise a plea on the merits of the case, it would be appropriate for the petitioners to raise the said plea before the learned Magistrate during the criminal complaint. Neither dismissal of the present application nor of the Writ Petition would constitute a bar in the petitioners raising the contentions urged in the writ petition nor for the court below to consider and pass appropriate orders on the same.

3. Application disposed off accordingly.

(S.C. Dharmadhikari, J)